



IPW RCE/1651 #

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 USC §132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/005,753
Filing Date	October 29, 2001
First Named Inventor	Yasuhiro SAKAI
Group Art Unit	1651
Examiner Name	F. C. Prats
Attorney Docket Number	3029-74RCE

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

Note: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000 applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on. (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

2. **Miscellaneous**

- a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of months. (Period of suspension shall not exceed three months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☐ Other

3. **Fees**

The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No.: 03-2412.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e), if not already paid by check
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17), if not already paid by check
- iii. ☐ Small Entity Status is being claimed for this application.
- vi. ☐ Other
- b. ☒ Check in the amount of **\$770.00** enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kent H. Cheng	Registration No. (Attorney/Agent)	33,849
Signature	<i>Kent H Cheng</i>	Date	May 13, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: May 13, 2004

Name (Print/Type)	Kent H. Cheng	Date	May 13, 2004
Signature	<i>Kent H Cheng</i>		



Attorney Docket No.: 3029-74RCE

FILING FEE COMPUTATION SHEET

Submit an original and a duplicate for fee processing

Dated: May 13, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In re RCE Application of: Yasuhiro SAKAI et al.

**For: Method of Staining, and Detecting and Counting Bacteria, and a
Diluent for Bacterial Stain**

Parent Serial No.: 10/005,753

The filing fee has been calculated as shown below:

FOR:	Col. 1	Col. 2	SMALL ENTITY	OTHER THAN SMALL ENTITY
	# FILED	# EXTRA		
BASIC FEE			\$385	\$770
TOTAL CLAIMS	10 - 20 =		x 9 = \$	x 18 = \$
INDEPENDENT CLAIMS	2 - 3 =		x 43 = \$	x 86 = \$
<input type="checkbox"/> MULTIPLE DEPENDENCY			+\$145 = \$	+290 \$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2			TOTAL: \$	\$770



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re RCE Application of

Yasuhiro SAKAI et al.

Serial No.: 10/005,753

Filed: October 29, 2001

For: Method of Staining, and Detecting and Counting
Bacteria, and a Diluent for Bacterial Stain

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: F. C. Prats
Group Art: 1651

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May 13, 2004
(Date of Deposit)

Kent H. Cheng

Name of applicant, assignee or Registered Representative

Kent H. Cheng
Signature

May 13, 2004
Date of Signature

PRELIMINARY AMENDMENT

S I R:

Prior to examination of the above-identified application, amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2
of this paper.

Remarks/Arguments begin on page 3 of this paper.